

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

MARQUINN JONES, and
ERIC GORDON,

Plaintiffs,

vs.

DONALD BARROW, TED PHILBIN, and
SERGEANT JOHNSON,

Defendants.

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7:05-CV-41(HL)

RECOMMENDATION OF DISMISSAL

Plaintiffs, **MARQUINN JONES**, a current inmate at Valdosta State Prison, and **ERIC GORDON**, a former inmate at Valdosta State Prison filed the above-styled joint *pro se* complaint under 42 U.S.C. § 1983. Plaintiff Jones has petitioned this court to proceed in this matter *in forma pauperis* presumably on behalf of both plaintiffs.

The Prison Litigation Reform Act of 1995 (the “PLRA”) requires that a prisoner bringing a civil action *in forma pauperis* pay the full filing fee. 28 U.S.C. § 1915(b). The Eleventh Circuit Court of Appeals held that prisoners proceeding *in forma pauperis* are not allowed to join together as plaintiffs in a single lawsuit. Rather, each prisoner is required to file his own lawsuit and pay the full amount of the filing fee. *Hubbard v. Haley*, 262 F.3d 1194 (11th Cir. 2001). Prisoners may not join claims and thus pro-rate a single filing fee. As the Eleventh Circuit in *Hubbard* noted, requiring each plaintiff to pay the full filing fee is consistent with Congress's purpose of imposing costs on prisoners to deter

frivolous suits. *Id.* at 1197-98.

Applying this principle to the case at hand, the undersigned RECOMMENDS that plaintiffs' requests to proceed *in forma pauperis* be **DENIED** and that this case be **DISMISSED**. Further, it is **RECOMMENDED** that dismissal be without prejudice thereby allowing plaintiffs to re-file their complaints separately, if they choose.

Pursuant to 28 U.S.C. § 636(b)(1), plaintiffs may serve and file written objections to this **RECOMMENDATION** with United States District Judge to whom this case is assigned, by filing the same in writing with the Clerk **WITHIN TEN (10) DAYS** after being served with a copy thereof.

SO RECOMMENDED, this 29th day of June, 2005.

/s/ Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE

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